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CISCO SYSTEMS, INC. and
8 CISCO TECHNOLOGY, INC.

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**
13

14 CISCO SYSTEMS, INC., a Delaware
corporation, and CISCO TECHNOLOGY,
15 INC., a California corporation,

16 Plaintiffs,

17 v.

18 DEXON COMPUTER, INC., a Minnesota
19 corporation,

20 Defendant.
21

22 AND RELATED CROSS-ACTIONS
23

Case No. 3:20-cv-04926 CRB

**ADMINISTRATIVE MOTION FOR AN
ORDER SETTING A RULE 16
CONFERENCE**

Honorable Charles R. Breyer

24 1. Pursuant to Local Rule 7-11, Plaintiffs CISCO SYSTEMS, INC. and CISCO
25 TECHNOLOGY, INC. (“Cisco”) hereby request an order that will set a Fed. R. Civ. P. (“Rule”)
26 16 Initial Case Management Conference, pursuant to Local Rule 16-2, within 30 days. The Court
27 previously ordered the parties to participate in a Settlement Conference, which was held by the
28 Honorable Sallie Kim on October 18, 2022. At the conclusion of that full-day conference, the

1 parties were unable to reach mutually agreeable terms.

2 2. This case has now been pending for more than 28 months. As the conferences
 3 required by Rule 16 and Rule 26(f) have not yet occurred, and it has not been possible to
 4 commence discovery by agreement between the parties, formal inquiry into relevant matters has
 5 not been possible outside the limited jurisdictional discovery that was conducted at the outset of
 6 litigation. This case has been in a long period of stasis, which appears unlikely to change without
 7 formal discovery. Cisco therefore requests that the Court set an Initial Case Management
 8 Conference within 30 days.

9 3. It is unclear whether Dexon would stipulate to the requested order. On October 21,
 10 2022, the undersigned counsel sent Dexon an email notifying it that Cisco would be filing this
 11 motion. *See* Declaration of Louis P. Feuchtbaum In Support of Administrative Motion, ¶ 1. Cisco
 12 twice asked that Dexon indicate whether it intended to oppose it. *Id.*, ¶¶ 1-2. Dexon did not
 13 respond. *Id.*, ¶ 2.

14 DATED: October 24, 2022

SIDEMAN & BANCROFT LLP

16 By: /s/ Louis P. Feuchtbaum

17 Louis P. Feuchtbaum
 18 Attorneys for Plaintiffs
 19 CISCO SYSTEMS, INC. and
 20 CISCO TECHNOLOGY, INC.
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